

HB4622



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4622

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.38

415 ILCS 20/2.1

from Ch. 111 1/2, par. 7052.1

Amends the Environmental Protection Act. Specifies that the term "recyclable general construction debris" includes clean wood that is segregated from general construction or demolition debris and that is processed for use as fuel. Amends the Illinois Solid Waste Management Act. Provides that the definition of "recycling" includes the combustion of wood or biomass fuel for energy recovery. Effective immediately.

LRB095 17011 BDD 43059 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 22.38 as follows:

6 (415 ILCS 5/22.38)

7 Sec. 22.38. Facilities accepting exclusively general
8 construction or demolition debris for transfer, storage, or
9 treatment.

10 (a) Facilities accepting exclusively general construction
11 or demolition debris for transfer, storage, or treatment shall
12 be subject to local zoning, ordinance, and land use
13 requirements. Those facilities shall be located in accordance
14 with local zoning requirements or, in the absence of local
15 zoning requirements, shall be located so that no part of the
16 facility boundary is closer than 1,320 feet from the nearest
17 property zoned for primarily residential use.

18 (b) An owner or operator of a facility accepting
19 exclusively general construction or demolition debris for
20 transfer, storage, or treatment shall:

21 (1) within 48 hours of receipt of the general
22 construction or demolition debris at the facility, sort the
23 general construction or demolition debris to separate the

1 recyclable general construction or demolition debris from
2 non-recyclable general construction or demolition debris
3 to be disposed of or discarded;

4 (2) transport off site for disposal all non-recyclable
5 general construction or demolition debris in accordance
6 with all applicable federal, State, and local requirements
7 within 72 hours of its receipt at the facility;

8 (3) limit the percentage of incoming non-recyclable
9 general construction or demolition debris to 25% or less of
10 the total incoming general construction or demolition
11 debris, as calculated on a daily basis;

12 (4) transport all non-putrescible recyclable general
13 construction or demolition debris for recycling or
14 disposal within 6 months of its receipt at the facility;

15 (5) transport all putrescible or combustible
16 recyclable general construction or demolition debris for
17 recycling or disposal within 45 days of its receipt at the
18 facility;

19 (6) employ tagging and recordkeeping procedures to (i)
20 demonstrate compliance with this Section and (ii) identify
21 the source and transporter of material accepted by the
22 facility;

23 (7) control odor, noise, combustion of materials,
24 disease vectors, dust, and litter;

25 (8) control, manage, and dispose of any storm water
26 runoff and leachate generated at the facility in accordance

1 with applicable federal, State, and local requirements;

2 (9) control access to the facility;

3 (10) comply with all applicable federal, State, or
4 local requirements for the handling, storage,
5 transportation, or disposal of asbestos-containing
6 material or other material accepted at the facility that is
7 not general construction or demolition debris; and

8 (11) submit to the Agency at least 30 days prior to the
9 initial acceptance of general construction or demolition
10 debris at the facility, on forms provided by the Agency,
11 the following information:

12 (A) the name, address, and telephone number of both
13 the facility owner and operator;

14 (B) the street address and location of the
15 facility;

16 (C) a description of facility operations;

17 (D) a description of the tagging and recordkeeping
18 procedures the facility will employ to (i) demonstrate
19 compliance with this Section and (ii) identify the
20 source and transporter of any material accepted by the
21 facility;

22 (E) the name and location of the disposal site to
23 be used for the transportation and disposal of
24 non-recyclable materials accepted at the facility;

25 (F) the name and location of an individual,
26 facility, or business to which recyclable materials

1 will be transported; and

2 (G) other information as specified on the form
3 provided by the Agency.

4 When any of the information contained or processes
5 described in the initial notification form submitted to the
6 Agency changes, the owner and operator shall submit an
7 updated form within 14 days of the change.

8 (c) For purposes of this Section, the term "recyclable
9 general construction or demolition debris" means general
10 construction or demolition debris that has been rendered
11 reusable and is reused or that would otherwise be disposed of
12 or discarded but is collected, separated, or processed and
13 returned to the economic mainstream in the form of raw
14 materials or products. "Recyclable general construction or
15 demolition debris" does not include general construction or
16 demolition debris processed for use as fuel, incinerated,
17 burned, buried, or otherwise used as fill material but does
18 include clean wood that is segregated from general construction
19 or demolition debris and that is processed for use as a fuel.

20 (d) For purposes of this Section, "treatment" means
21 processing designed to alter the physical nature of the general
22 construction or demolition debris, including but not limited to
23 size reduction, crushing, grinding, or homogenization, but
24 does not include processing designed to change the chemical
25 nature of the general construction or demolition debris.

26 (Source: P.A. 90-475, eff. 8-17-97.)

1 Section 10. The Illinois Solid Waste Management Act is
2 amended by changing Section 2.1 as follows:

3 (415 ILCS 20/2.1) (from Ch. 111 1/2, par. 7052.1)

4 Sec. 2.1. Definitions. When used in this Act, unless the
5 context otherwise requires, the following terms have the
6 meanings ascribed to them in this Section:

7 "Department", when a particular entity is not specified,
8 means (i) in the case of a function to be performed on or after
9 July 1, 1995 (the effective date of the Department of Natural
10 Resources Act), the Department of Commerce and Community
11 Affairs (now Department of Commerce and Economic Opportunity),
12 as successor to the former Department of Energy and Natural
13 Resources under the Department of Natural Resources Act; or
14 (ii) in the case of a function required to be performed before
15 July 1, 1995, the former Illinois Department of Energy and
16 Natural Resources.

17 "Deinked stock" means paper that has been processed to
18 remove inks, clays, coatings, binders and other contaminants.

19 "End product" means only those items that are designed to
20 be used until disposal; items designed to be used in production
21 of a subsequent item are excluded.

22 "High grade printing and writing papers" includes offset
23 printing paper, duplicator paper, writing paper (stationery),
24 office paper, note pads, xerographic paper, envelopes, form

1 bond including computer paper and carbonless forms, book
2 papers, bond papers, ledger paper, book stock and cotton fiber
3 papers.

4 "Paper and paper products" means high grade printing and
5 writing papers, tissue products, newsprint, unbleached
6 packaging and recycled paperboard.

7 "Postconsumer material" means only those products
8 generated by a business or consumer which have served their
9 intended end uses, and which have been separated or diverted
10 from solid waste; wastes generated during production of an end
11 product are excluded.

12 "Recovered paper material" means paper waste generated
13 after the completion of the papermaking process, such as
14 postconsumer materials, envelope cuttings, bindery trimmings,
15 printing waste, cutting and other converting waste, butt rolls,
16 and mill wrappers, obsolete inventories, and rejected unused
17 stock. "Recovered paper material", however, does not include
18 fibrous waste generated during the manufacturing process such
19 as fibers recovered from waste water or trimmings of paper
20 machine rolls (mill broke), or fibrous byproducts of
21 harvesting, extraction or woodcutting processes, or forest
22 residues such as bark.

23 "Recycled paperboard" includes recycled paperboard
24 products, folding cartons and pad backing.

25 "Recycling" means the process by which solid waste is
26 collected, separated and processed for reuse as either a raw

1 material or a product which itself is subject to recycling, but
2 does not include the combustion of waste for energy recovery or
3 volume reduction. "Recycling", however, does include the
4 combustion of wood or biomass fuel for energy recovery.

5 "Tissue products" includes toilet tissue, paper towels,
6 paper napkins, facial tissue, paper doilies, industrial
7 wipers, paper bags and brown papers.

8 "Unbleached packaging" includes corrugated and fiber
9 boxes.

10 "USEPA Guidelines for federal procurement" means all
11 minimum recycled content standards recommended by the U.S.
12 Environmental Protection Agency.

13 (Source: P.A. 94-793, eff. 5-19-06.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.